

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|-------------------------------------|---|--------------------------------|
| Anthony Dewayne Jefferies, |) | C/A No. 9:06-3161-JFA-GCK |
| |) | |
| Plaintiff, |) | |
| v. |) | ORDER DISMISSING ACTION |
| |) | |
| |) | |
| Greenville County Detention Center, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The *pro se* plaintiff is a pretrial detainee at the Greenville County Detention Center. He brings this action pursuant to 42 U.S.C. § 1983 claiming denial of his due process rights

and cruel and unusual treatment. He seeks monetary damages and injunctive relief. He names the Greenville County Detention Center as the sole defendant.

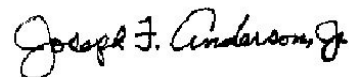
The Magistrate Judge has filed a detailed Report and Recommendation suggesting that the complaint should be summarily dismissed because the defendant is not a “person” acting under color of state law which precludes his claim under 42 U.S.C. § 1983. The Magistrate Judge correctly summarizes the law and facts in this case and such will not be repeated in this order.

The plaintiff was advised of his right to file specific objections to the Report. However, the plaintiff has not filed any objections within the time limits prescribed by the Local Rules for this District.

The court has reviewed the record in this case, finds the Magistrate Judge’s Report and Recommendation to be proper, and incorporates the Report herein. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

December 14, 2006
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge